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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 JOHN GARRETT SMITH,

11 Petitioner,

12 v.

13 STATE OF WASHINGTON,

14 Respondent.  
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CASE NO. 3:18-cv-05659-BHS-JRC

REPORT AND RECOMMENDATION

NOTED FOR: March 15, 2019

16 The District Court has referred this petition for a writ of habeas corpus to United States  
17 Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §  
18 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner John Garrett  
19 Smith's "Petition to Stop Treason" was docketed by the Clerk as a petition pursuant to 28 U.S.C. §  
20 2254. *See* Dkt.

21 Petitioner filed his petition in August of 2018. Dkt. 1. After he was informed that he had  
22 not adequately requested to proceed *in forma pauperis*, he filed three motions unrelated to his *in*  
23 *forma pauperis* status, and then two more motions in October 2018 after paying his filing fee.  
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1 Dkts. 5, 6, 7, 10, 11. The Court found that petitioner's filings were largely unanticipated by the  
2 civil rules, and further noted that, because of the confusing nature of petitioner's filings, the  
3 Court could not discern what relief petitioner was requesting. Dkt. 14. In November of 2018, the  
4 Court ordered petitioner to file an amended petition by December 7, 2018. Dkt. 14. Instead,  
5 petitioner filed a "Motion for Settle and Creatura to Stop Aiding and Abetting Treasonous  
6 Crimes," which the Court interpreted as a motion for the undersigned to recuse himself. Dkts. 15,  
7 17. The undersigned declined to recuse himself, and referred the motion to Honorable Ricardo S.  
8 Martinez for review. Dkt. 17. Chief Judge Martinez affirmed the Court's decision. Dkt. 20. After  
9 Chief Judge Martinez entered his order, petitioner, rather than filing an amended petition as  
10 directed by the Court, filed a "Motion to Simply Stop the Criminal Obstruction of Justice by  
11 Insolent Federal Judges." Dkt. 21. That motion came ready for the Court's consideration on  
12 February 8, 2019. *Id.*

13 Again, petitioner has filed a motion that is not contemplated under the civil rules. *See*  
14 Dkt. 17 (noting one of petitioner's previous motions similarly was not anticipated under the civil  
15 rules).

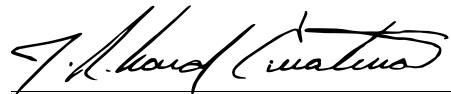
16 Here, petitioner has not complied with the Court's order to file an amended petition.  
17 Instead, he has continued to file other motions, many of which are not contemplated under either  
18 local or federal civil rules, and many of which do not clearly request a particular form of relief.  
19 *See, e.g.,* Dkt. 5 ("Motion to Cease Outrageous Criminal Conduct that is Treasonous"); Dkt. 11  
20 ("Notification of Alarming Continuance of Treasonous Anti-Constitutional Threat, and Motion  
21 for This Court to End Its Apathy and Obvious Collusion"); Dkt. 21 ("Motion to Simply Stop the  
22 Criminal Obstruction of Justice by Insolent Federal Judges"). Because plaintiff has not filed an  
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1 amended petition, in conformity with this Court's previous order, the Court sees no reason to  
2 grant plaintiff yet another opportunity to file an amended habeas petition.

3 Therefore, because of the nature of petitioner's previous filings in this case and because  
4 petitioner failed to file an amended habeas petition in accordance with this Court's previous  
5 order, the Court recommends that petitioner's action be dismissed for failure to obey a court  
6 order, and all other outstanding motions be denied as moot.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
8 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.  
9 6. Failure to file objections will result in a waiver of those objections for purposes of *de novo*  
10 review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can result in a waiver  
11 of those objections for purposes of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Miranda v.*  
12 *Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations omitted). Accommodating the time limit  
13 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on  
14 March 15, 2019, as noted in the caption.

15 Dated this 25th day of February, 2019.

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19 J. Richard Creatura  
20 United States Magistrate Judge  
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